

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OFFICIAL COMMITTEE OF)	
UNSECURED CREDITORS OF)	
NETEXIT, INC., <i>et al.</i> ,)	
)	
Appellant,)	
)	
v.)	C.A. 05-385 (JJF)
)	
NETEXIT, INC., <i>et al.</i> ,)	
)	
Appellees.)	

STIPULATION OF DISMISSAL OF APPEAL

WHEREAS, the Official Committee of Unsecured Creditors ("Appellant") appointed in the chapter 11 cases of Netexit, Inc., *et al.* (the "Debtors" or "Appellees")¹, by and through undersigned counsel, filed the above-captioned appeal under 28 U.S.C. § 158(a) in the United States District Court for the District of Delaware from the United States Bankruptcy Court for the District of Delaware's Order dated April 26, 2005 denying the Netexit Committee's Motion For Reimbursement Of Amounts Paid By The Netexit Debtors On Behalf Of Northwestern Corporation, which was entered by United States Bankruptcy Judge John L. Peterson on April 28, 2005 [D.I. 480 in Case No. 04-11321 and D.I. 3019 in Case No. 03-12872]; and

WHEREAS, this issues on appeal were resolved by agreement of the parties, and by entry of an order confirming the Debtors' First Amended and Restated Liquidating Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (the "Plan"); and

WHEREAS, the Plan became effective on September 29, 2005,

¹ The Debtors are ATS Financial Services, Inc., Netexit of California Construction, Inc., Netexit of California, Inc., Netexit of Indiana, LLC, Netexit of Indiana, Inc., Netexit of North America, LLC, Netexit of Tennessee, Inc., Netexit of Pacific Northwest, Inc., Netexit of Oklahoma, Inc., Netexit of New York, LLC, Netexit of Mississippi, Inc., Netexit of Hawaii, Inc., and Eagle a Netexit Company Inc.

NOW THEREFORE it is hereby stipulated and agreed that the above-captioned appeal shall be dismissed with prejudice.

CROSS & SIMON, LLC

GREENBERG TRAURIG LLP

By: 

Christopher P. Simon (No. 3697)
913 North Market Street, 11th Floor
P.O. Box 1380
Wilmington, Delaware 19899-1380
(302) 777-4200

Attorneys for Appellant

By: 

William E. Chipman, Jr. (No. 3818)
The Brandywine Building
1000 West Street, Suite 1540
Wilmington, Delaware 19801
(302) 661-7000

Attorneys for Appellee

Dated: October 5, 2005
Wilmington, Delaware

Dated: October 5, 2005
Wilmington, Delaware

SO ORDERED, this _____ day of _____, 2005.

The Honorable Joseph J. Farnan, Jr.
United States District Court